

RAVALLI COUNTY JUSTICE COURT
205 Bedford Street, Suite F
Hamilton, Montana 59840
(406) 375-6252

Collection of Judgments Guidelines

These are basic guidelines relating to collection of a Justice Court judgment. Neither the Judge nor the Clerk can provide you with advice or interpretation of law as it relates to judgment collections. If you have questions or are unsure about the procedures, refer to the Montana Statutes or contact an attorney. The library has a copy of the Statutes, or they can be accessed on line at: http://data.opi.state.mt.us/bills/mca_toc/index.htm

Writ of Execution:

If the party awarded judgment does not receive payment in a timely manner or if no payment arrangements are made, the Court may issue a Writ of Execution. A form is available for requesting such a Writ. Very specific guidelines which must be adhered to when a Writ of Execution is served, and the judgment creditor is responsible for insuring that all requirements are met. A Writ of Execution can only be served by the Sheriff's Office or a licensed levying officer. A Writ is effective for 120 days and may be served as many times as necessary during that time period in order to attempt collection of the judgment. It can be used to garnish wages or execute against savings or checking accounts. Personal property can be seized, but it is suggested that research be done to determine if there is a lien on the property. If there is a debt on the property, you may have to assume financial responsibility for it.

Aid in Execution Hearing:

If you have had a Writ of Execution served at least once and have been unable to collect on the Judgment, you may file a written request for an Aid in Execution hearing. The Judgment Debtor will be required to attend the hearing and provide financial information and testimony relating to payment of the debt.

Certification of Judgment:

A Judgment can be certified to District Court, which should appear on any lien searches relating to real property which may be owned by the Judgment Debtor.

Satisfaction of Judgment:

A "Satisfaction of Judgment" must be filed with the Court as soon as the Judgment has been paid in full.